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**By ECF**

January 6, 2023

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Johnny Damus et al.*,  
Case No: 22 Cr. 514 (PGG)**

Dear Judge Gardephe:

With consent of Pretrial Services and the Government, we are respectfully asking this Honorable Court to allow Mr. Johnny Damus to reside in the State of Georgia, City of Atlanta with his wife and two children during the pendency of this case with a curfew of 6:00 AM to 11:00 PM.

Mr. Damus is currently under home detention at his cousin's cramped basement at 149-67 255<sup>th</sup> Street, Queens, New York 11422, without the company of his wife and their two young children, who have recently moved to a home in Atlanta purchased prior to his arrest in this case.

Prior to his arrest, Mr. Damus and his wife surrendered their primary residence in N.Y with intentions of moving to Atlanta. On September 8<sup>th</sup>, 2022, prior to Mr. Damus' arrest, his wife Linda Otibu closed on a new home in the State of Georgia at 110 Victoria Court, 30214, Fayetteville, Georgia. The home was purchased with the intention of moving in with their two children, Madison Damus and Melody Damus, ages two and four respectively, ("Family") to provide them with a better life and education. All documentary evidence in support of the timing in surrendering the NY primary residence and the purchase of the New Home have been provided to Pretrial Services and Government in this case prior to their consent on this matter.

Mr. Damus is and has always been a loving and devoted father to his children. Prior to his arrest, Mr. Damus did spend much time with his children, take them to and

from school, after-school activities such as swimming, and take care of them when they returned home.

Currently, Mr. Damus, his wife and their children have been experiencing tremendous stress due to their present living conditions, most notably because they must live separately. Mrs. Otibu has now been forced to relocate on her own with their two children not to miss timely enrolment in school; she must also oversee the new home on her own, she must oversee extracurricular activities on her own, and she must oversee expenses on her own. We respectfully suggest to this Honorable Court, that it is in the best interest of the children and the union of their family that Mr. Damus is able to move to Georgia to live with his wife and children during the pendency of this case.

Mr. Damus is not a flight risk in this case, most notably because he has a beautiful family, new home in Georgia, and a wife that has supported him through his experience with the criminal justice system. Mr. Damus plans to comply with all federal pretrial supervision by a Pretrial Officer in Georgia, and if necessary, will fly to New York for each and every in-person court appearance.

Thank you Your Honor.

Respectfully submitted,

/s/ Albert Y. Dayan

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Madison Reddick Smyser  
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**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**



**Paul G. Gardephe, U.S.D.J.**

Date: January 13, 2023